

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
WESTERN DIVISION**

CIVIL ACTION NO. 11-30155-MAP

JANE DOE,

Plaintiff

v.

**GERALD FOURNIER, AS
SUPERINTENDENT OF PALMER
PUBLIC SCHOOLS, ET AL.**

Defendants

**LIMITED MOTION FOR
RECONSIDERATION AND
STATEMENT OF REASONS**

The plaintiff, Jane Doe ("Ms. Doe" or "Plaintiff"), respectfully moves for reconsideration of only one aspect of the Court's ruling (docket no. 50) on defendant, Patrick Van Amburgh's motion to dismiss (docket no. 29). Specifically, Ms. Doe seeks reconsideration of the Court's determination that Mr. Van Amburgh, sued in his individual capacity, is not subject to liability under Massachusetts General Laws Chapter 214, section 1C, as it contradicts the express language of Chapter 214, Section 1C and is not consistent with the Supreme Judicial Court's decision in *Lowery v. Klemm*, 446 Mass. 572 (2006). Reconsideration is appropriate given that the Plaintiff did not sufficiently address this issue in its original brief or at the hearing because of Mr. Van Amburgh's apparent concession as to the applicability of that provision to him.

Support for this Motion is set forth in more detail below.

*ALLOWED, without opposition. The claim against
the defendant Van Amburgh under
Mass. Gen. L. ch. 214 §1C may go forward.
So ordered. Michael D. Pender USDT
3.20.12*